

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LYNN ZELVIN,

Plaintiff,

-v-

EZCONTACTS.COM, LLC,

Defendant.

CIVIL ACTION NO. 23 Civ. 11073 (JHR) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

On March 21, 2024, the 90-day deadline for Plaintiff to effect service of the Complaint having passed (see Fed. R. Civ. P. 4(m)), the Court ordered Plaintiff to show cause by April 4, 2024 “why this case should not be dismissed under Rules 4(m) or 41(b) of the Federal Rules of Civil Procedure for failure to prosecute.” (ECF No. 7 (the “OTSC”)). On April 4, 2024, Plaintiff filed an attorney declaration stating that Plaintiff had thrice attempted to serve Defendant—on January 12, March 26, and April 1, 2024—all of which were unsuccessful. (ECF No. 8 ¶¶ 5–6; see ECF Nos. 8-1 – 8.2 (proof of attempted service)). Plaintiff requests a two-week extension of time in which to serve Defendant. (ECF No. 8 ¶¶ 9–10, 17 (the “Request”).

Based on Plaintiff’s submission, the Court deems the OTSC satisfied. Further, the Court finds that Plaintiff has “show[n] good cause for the failure” to timely serve Defendant (Fed. R. Civ. P. 4(m)) and therefore GRANTS the Request. By **April 19, 2024**, Plaintiff shall serve the Complaint on Defendant and file proof of service, or, if service has not been accomplished, file a status letter. Plaintiff is warned that failure to meet this deadline may result in sanctions, including but limited to a recommendation to the Honorable Jennifer H. Rearden to dismiss this case for failure to prosecute.

Dated: New York, New York  
April 5, 2024

SO ORDERED.



SARAH L. CAVE  
United States Magistrate Judge